

108TH CONGRESS
1ST SESSION

S. 1167

To resolve boundary conflicts in Barry and Stone Counties in the State
of Missouri

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2003

Mr. BOND introduced the following bill; which was read twice and referred to
the Committee on Energy and Natural Resources

A BILL

To resolve boundary conflicts in Barry and Stone Counties
in the State of Missouri

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds and declares
5 that—

6 (1) certain landowners in Barry and Stone
7 Counties, Missouri, have innocently and in good
8 faith relied on subsequent land surveys, which they
9 believed to have been correct, and have occupied, im-

1 proved, or claimed portions of adjoining Federal
2 lands based on such survey information; and

3 (2) the appropriate Federal agencies should un-
4 dertake actions to reestablish the corners of the
5 Public Land Survey system, and to rectify boundary
6 conflicts and landownership claims against Federal
7 lands resulting from subsequent Federal and private
8 land surveys, and do so in a manner which imposes
9 the least cost and inconvenience to affected private
10 landowners.

11 (b) PURPOSES.—Within Barry and Stone Counties,
12 Missouri, the purposes of this Act are—

13 (1) to resolve any boundary disputes arising
14 from these subsequent land surveys; and

15 (2) to minimize costs and inconvenience to the
16 affected private property owners in Barry and Stone
17 County, Missouri.

18 **SEC. 2. DEFINITIONS.**

19 For the purposes of this Act, the term—

20 (1) “appropriate Secretary” means either the
21 Secretary of the Army or the Secretary of Agri-
22 culture;

23 (2) “boundary conflict” means the situation
24 where the private claim of ownership for non-Fed-

1 eral lands, based on subsequent land surveys, over-
2 laps or conflicts with Federal ownership;

3 (3) “Bureau of Land Management” means the
4 agency of that name within the United States De-
5 partment of the Interior, the successor agency to the
6 United States General Land Office.

7 (4) “Corps of Engineers” means the U.S. Army
8 Corps of Engineers;

9 (5) “Federal land surveys” means any land sur-
10 vey made by an agency or department of the Federal
11 Government with Federal employees, or by Federal
12 contract with State licensed private land surveyors
13 or corporations and businesses licensed to provide
14 professional land surveying services in the State of
15 Missouri;

16 (6) “Forest Service” means the Forest Service,
17 an agency of the U.S. Department of Agriculture;

18 (7) “National Forest System lands” means
19 Federal lands within the National Forest System as
20 such System is defined by section 10(a) of the For-
21 est and Rangeland Renewable Resources Planning
22 Act of 1974, as amended (16 U.S.C. 1609(a));

23 (8) “original land surveys” means the land sur-
24 veys made by the General Land Office as part of the
25 United States Public Land Survey System in the

1 State of Missouri, and upon which the Government
2 land patents were issued conveying the land from
3 the Federal Government into private ownership;

4 (9) “United States Public Land Survey Sys-
5 tem” means the rectangular system of original Gov-
6 ernment lands survey made by the United States
7 General Land Office and its successor, the Bureau
8 of Land Management, under Federal laws providing
9 for the survey of the public lands upon which the
10 original land patents were issued;

11 (10) “qualifying claimant” means a private
12 owner of real property in Barry and Stone Counties,
13 Missouri, who has boundary conflict as a result of
14 good faith and innocent reliance on subsequent land
15 surveys, and as a result of such reliance, has occu-
16 pied, improved, or made ownership claims to Federal
17 lands, and who files a claim for relief under this Act
18 within the time period prescribed in section 4(b);
19 and

20 (11) “subsequent land surveys” mean any land
21 surveys made after the original land surveys.

22 **SEC. 3. RESOLUTION OF BOUNDARY CONFLICTS.**

23 (a) AUTHORITIES.—Notwithstanding any other pro-
24 vision of law, including the Federal Property Administra-
25 tion Services Act of 1949, and without requirements for

1 further administrative or environmental analyses or exam-
2 ination, the appropriate Secretary is authorized discretion
3 to take any of following actions, or combinations of ac-
4 tions, in order to resolve boundary conflicts with qualifying
5 claimants on lands under their respective administrative
6 jurisdiction—

7 (1) to convey and quitclaim all right, title, and
8 interest of the United States in land for which there
9 is a boundary conflict; or

10 (2) to confirm Federal title to and retain in
11 Federal management any land for which there is a
12 boundary conflict where there are Federal interests
13 which may include improvements, authorized uses,
14 easements, hazardous materials, historical and cul-
15 tural resources; and

16 (3) to compensate the qualifying claimant for
17 the value of the overlapping property for which title
18 is confirmed and retained in Federal management
19 pursuant to paragraph (2) of this subsection.

20 (b) CONSIDERATION AND COSTS.— The Appropriate
21 Secretary shall—

22 (1) waive consideration for the value of the
23 Federal land conveyed and quitclaimed pursuant to
24 subsection (a)(1) upon a finding that the boundary
25 conflict was the result of the innocent detrimental

1 reliance by the qualifying claimant on a subsequent
2 land survey;

3 (2) pay administrative, personnel and any other
4 costs associated with the implementation of this Act,
5 including the costs of survey, marking and
6 monumenting property lines and corners; and

7 (3) reimburse the qualifying claimant for rea-
8 sonable out-of-pocket survey costs necessary to es-
9 tablish a claim under this Act.

10 (c) VALUATION.—Compensation paid to qualifying
11 claimants for land retained in Federal ownership pursuant
12 to subsection (a)(2) shall be valued on the basis of the
13 contributory value of the tract of land to the larger adjoin-
14 ing private parcel and not on the basis of the land being
15 a separate tract, and shall not include the value of Federal
16 improvements to the land.

17 (d) PREEXISTING CONDITION.—

18 (1) The United States shall not compensate a
19 qualifying claimant or any other person for any pre-
20 existing condition or reduction in value of any land
21 which is the subject of a boundary conflict because
22 of any existing or outstanding permits, use author-
23 izations, reservations, timber removal, or other land
24 use or condition.

1 (2) The requirements of section 120(h) of the
2 Comprehensive Environmental Response, Compensa-
3 tion, and Liability Act (42 U.S.C. 9620(h)) shall not
4 apply to conveyances or transfers of jurisdiction
5 under this Act, but the United States shall continue
6 to be liable for the cleanup costs of any hazardous
7 substances on the lands so conveyed or transferred
8 if the contamination by hazardous substances is
9 caused by actions of the United States or its agents.

10 (e) RESERVATIONS, VALID EXISTING RIGHTS AND
11 USES.—

12 (1) Any conveyance pursuant to subsection
13 (a)(1) shall be subject to—

14 (A) reservations for existing public uses for
15 roads, utilities, and facilities; and

16 (B) permits, rights-of-way, contracts and
17 any other authorization to use the property;
18 and

19 (2) For any land subject to a special use au-
20 thorization or permit for access or utilities, the ap-
21 propriate Secretary may, at the request of the hold-
22 er, convert such authorization to a permanent ease-
23 ment prior to any conveyance pursuant to subsection
24 (a)(1); and

1 (3) The appropriate Secretary may reserve
2 rights for future public uses in conveyances made
3 pursuant to subsection (a)(1) of this section if the
4 qualifying claimant is paid for the reservation in
5 cash or in land of equal value.

6 (f) RESPONSIBILITIES OF CLAIMANTS.—The quali-
7 fying claimant shall have the responsibility for establishing
8 that they qualify for the remedies allowed under this Act.

9 **SEC. 4. ADMINISTRATIVE PROCEDURE.**

10 (a) Qualifying claimants shall notify the appropriate
11 Secretary in writing of their claims of a boundary conflict
12 with adjoining Federal land. Such notification shall be ac-
13 companied by the following information provided by the
14 qualifying claimant which, except as provided in section
15 3(b)(3), shall be without cost to the United States—

16 (1) a land survey plat and legal description of
17 the affected Federal lands claimed which are based
18 upon a correctly made land survey completed and
19 certified by a Missouri State licensed Professional
20 Land Surveyor, and done in conformity with the
21 United States Public Land Survey System and in
22 compliance with the applicable State and Federal
23 land surveying statutes and regulations; and

24 (2) information relating to the claim of owner-
25 ship of such Federal lands, including supporting

1 documentation showing the landowner relied on a
2 subsequent land survey due to actions by the Fed-
3 eral Government in making or approving surveys for
4 the Table Rock Reservoir; and

5 (b) Any qualifying claimant must file for resolution
6 of a boundary conflict within 15 years of the date of enact-
7 ment of this Act.

8 (c) Except for such additional authorities provided in
9 this Act, nothing herein shall affect the Quiet Title Act
10 (28 U.S.C. 2409a) or other applicable law, or affect the
11 exchange and disposal authorities of the Secretary of Agri-
12 culture including, but not limited to, the Small Tracts Act
13 (16 U.S.C. 521c), or the exchange and disposal authorities
14 of the Secretary of the Army.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as necessary to carry out this Act.

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